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Pam. 46

CAPTAIN WILLIAMS'S  
NARRATIVE.

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[ Price One Shilling and Sixpence. ]

WILLIAM WILKINS

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CAPTAIN WILLIAMS'S 8  
NARRATIVE;

IN WHICH IS CONTAINED  
PARTICULARS  
RELATIVE TO THE EXECUTION  
OF  
MUSTAPHA CAWN;  
AND  
OBSERVATIONS  
ON THE  
SPEECHES  
OF

General BURGOYNE, Colonel FULLARTON,  
Mr. FOX, Mr. BURKE,  
And, Mr. FRANCIS;

ADDRESSED TO  
THE OFFICERS OF THE BRITISH ARMY.

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L O N D O N:

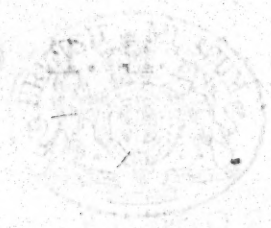
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Piccadilly.—1790.

CAPTAIN WILLIAM  
J. A. R. A. T. I. V. E.

RELATIVE TO THE  
MILITARY SERVICE

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TO THE  
OFFICERS  
OF THE  
BRITISH ARMY.

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GENTLEMEN,

I TAKE the liberty to address the following Narrative to you, because I wish to be justified in the opinion of the profession to which for many years I had the honour to belong. In the course of service my case *may be* your own ; but as the injustice which has been done to me is hitherto without an example in any country upon earth, I rather hope that the precedent will never be pleaded in future.



In the present moment it is hardly to be expected that the powerful hand, which has inflicted the wound, will administer the cure also; but such is my confidence in the ultimate justice of the House of Commons, that I am confident the time will come, when the calumny which now stands upon their Journals will be rescinded, for surely I have a right to call *that* a calumny, which I have in vain called upon them to substantiate. It will not be said, that out of tenderness to me they have refrained to commence a prosecution; when the business was first opened by Mr. Francis, it seemed to be the general opinion that the whole matter should be investigated and reported by a select Committee to the House. The Minister himself affirming that if I had done an improper act, which the laws now existing could not reach, it was a proper case for the interposition of Parliament. But upon a re-consideration at the distance of a fortnight, Mr. Pitt declared that his former opinion was erroneous. It will hardly be supposed that an obscure individual like myself could have influenced the opinion of Mr. Pitt in any respect, and there was nothing I so anxiously wished for as a full inquiry into every part of my conduct. In the course of the debate it

was

was allowed, that by ordering Mustapha Cawn to be put to death I had not been guilty of murder ; it was also allowed that I had not committed a misdemeanour ; yet at the present moment any gentleman who reads the 13th article of the Impeachment of Mr. Hastings, will find that the execution of Mustapha Cawn is denominated a cruel and atrocious murder.

There is one remark that fell from Mr. Burke which I have not answered in the following Narrative. He is pleased to say, that upon my principles, if a foldier was to be brought before me for having put to death, by order of his commanding officer, a prisoner who attempted to escape, I must instantly release him. I am sorry that a man of common sense should be so blinded by prejudice, as to reason so unjustly. I believe there is not an officer of the army who is not convinced that he must pay the strictest obedience to the laws, and that the military in Great Britain is in all situations subservient to the civil power ; but I think I can make the distinction between troops employed upon foreign service in time of war and rebellion, and in Great Britain, either in war or peace, perfectly intelligible even to Mr. Burke.

I find by the evidence of Major General Robertson before the House of Commons in 1779, that Sir William Howe took every method in his power to prevent his army from plundering in the Jerseys and upon Long Island during the late war. The General adds, I saw several men who were hanged by Sir William Howe's *orders* for plundering. No member of the House of Commons made an inquiry, whether the men who were put to death underwent any form of trial. Every officer knows that what Sir William *ordered* was strictly consonant to the usage and practice of war ; but if Sir William had marched ten regiments through England, and had taken upon himself to order ten men to be hanged for plundering a village in his presence, the law would have denominated it murder.

From the statement of my case by Mr. Burke, Mr. Fox, and Mr. Francis, it might be concluded that I was in the center of a country in profound peace subject to British laws, and with magistrates at hand to enforce them. But those gentlemen had undoubted evidence in their possession, that there never was a British magistrate in Oude ; that the Nabob himself  
was



was the fountain of justice; that the whole country had rebelled against the sovereign, whose commands I was ordered to obey, and the only channel through which I could receive them was my commanding officer, by whose positive orders I directed the sentence passed by the Nabob upon Mustapha Cawn to be carried into execution.

I have the honour to be,

GENTLEMEN,

Your most obedient

humble servant,

D. WILLIAMS.

London,

April 8th, 1790.

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## N A R R A T I V E.

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I AM extremely sorry for the necessity I feel myself under, of obtruding the particulars of my case upon the public notice. I am conscious, that I am not in my own person of importance sufficient to merit the attention of the public ; but as many people, particularly the military, may hereafter find themselves involved in circumstances similar to mine, it is hoped that a plain recital of facts will not be thought a presumptuous obtrusion, or be esteemed unworthy of a serious consideration. I might say in addition to this, that a fair character in society is one of those essentials to human happiness, that no man of honour or spirit would wish to exist without.



I shall not trespass on the time of my readers with a long history of my life, nor make myself the subject of a tedious detail, farther than is absolutely necessary to the elucidation of the present business.

I went to India a Cadet in the service of the Company, in the year 1769, where I served with the perfect approbation of my superiors till the year 1781, when I was appointed by the Supreme Council at Fort William to the command of a battalion of sepoys in the service of the Vizier Nabob of Oude. Lieut. Col. Hannay was at that time commanding officer of three battalions belonging to the Nabob, one of which was put under the immediate command of myself.

It is well known to all those who have made the smallest inquiry into the affairs of India, that in Sept. 1781, a rebellion broke out in the province of Benares, owing to the confinement of Rajah Cheyt Sing. With the cause and effects of that rebellion, I have nothing to do, farther than to observe, that the contagion spread to Gorackpore and Baharitch, two provinces belonging to the Nabob, and adjacent to the  
pro-

province of Benares. At the time of the breaking out of the rebellion at Benares I was at Lucknow, where hearing of its dangerous tendency, I hastened to join my corps at Gungowah, in the district of Gorackpore. There I received orders to march with my detachment towards Benares, by way of Akberpore. I attempted it, but after two days march, I found it impossible to proceed by the route I was directed to pursue, and I therefore returned to my former station, with a design to proceed by some other road. In this I was again disappointed by the mutiny of the companies under my command, and consequently obliged to abandon the idea. During the time of the mutiny, I was fortunately joined by two other companies of my battalion, which not having the same mutinous disposition as the former, did in some degree restore order and obedience to authority.

About this time I received orders from my commanding officer, Colonel Hannay, to join him, and I consequently marched on the 15th of September for that purpose. In five days I reached the town of Gorackpore—Gorackpore is the principal town of the district of the same

name, and has a fort or citadel; which was garrisoned by a small party from my battalion. This fort was considered as under my command, though it was very usual with Colonel Hannay to send orders to the Native Officer who immediately commanded, without passing them, as he regularly should have done, through me. At the above-mentioned fort were kept a number of prisoners, and among others was a man named Mustapha Cawn. At the time I took the command of my battalion (which happened in March 1781) this man was delivered over to me, by the officer I relieved, in irons, and reported as under sentence of death. I cannot say that I made any inquiry into the cause of his confinement or sentence, farther than the general report, that he had been a notorious robber at the head of a large banditti for many years; that he had been proscribed by the Nabob, with a large sum offered for his head; and that being at last taken, he was sentenced to die for his crimes. This was a fact so notorious, and so little doubted, that I received the report (as all officers do upon relieving each other) as containing indubitable official information.

A few



A few days before my arrival at Gorackpore, the fort had been attacked by a large body of insurgents, whose aim was to rescue the prisoners. At the same time that the fort was attacked by an enemy without, the prisoners within took up arms against the guards, which obliged the Native Officer who commanded to put eighteen of them instantly to death.

About this juncture Colonel Hannay, probably foreseeing that there was great danger of Mustapha Cawn's being rescued, and that in such an event, the Rebels, strengthened and encouraged by his assistance, would be able to drive the Nabob's troops out of the province, sent a *purwannah* or order to the Native Officer, who commanded the fort at Gorackpore, to execute the Nabob's sentence upon the said Mustapha Cawn. The Monshey, or native secretary to the Colonel, who wrote the letter, by mistake addressed the order to the wrong officer, that is, to one who had not charge of the fort and prisoner. The Native Officer to whom the Order was addressed, carried it to him to whom it ought to have been addressed, but the latter thought it advisable to defer the execution of the sentence till he had informed the Colonel of the mistake, and received his far-

ther instructions. In the mean time I arrived at *Gorackpore*, and took the immediate command of it upon myself.

Colonel Hannay, who had heard of the mutiny of my detachment, and knew that I must pass by *Gorackpore*, wrote me several letters, positively commanding me to put to death Mustapha Cawn, in obedience to the Nabob's orders, and informing me of the great danger to which the country would be exposed, if the prisoner should escape. Of the danger I was perfectly sensible, nor had I a doubt of the prisoner's deserving death ; for had he not been sentenced to death by the Nabob for past offences, he deserved capital punishment for having killed a sepoy with his own hand, at the time the prisoners rose upon the guard, as before related.

Just before his execution he was detected in the very act of writing letters to his friends, instigating them to attempt his rescue. And on the very day on which I ordered the sentence to be executed, I received information that a body of his adherents were marching towards the fort, for the purpose he desired.

Under

Under these circumstances I published the orders of Colonel Hannay, and the sentence was, as I have every reason to believe, executed accordingly; I use the word *believe*, because I did not see it done, but it was reported to me by the proper officer as done, and I had no reason to doubt it. I never saw Mustapha Cawn in my life, nor had I any intercourse with him. I saw his name upon the written report, when I relieved my predecessor, and I issued the order I received from Colonel Hannay, without any personal knowledge that such a man existed.

In this transaction, I considered myself as no ways responsible. I had nothing to do with the condemnation, nor the confinement, of the the prisoner: I was the mere channel of the Nabob's orders:—it was chance only that made me that channel. Had the troops not mutinied I had gone to Benares, to the assistance of the Company's troops, then employed in quelling of the rebellion at that place; but the execution would have taken place notwithstanding. Colonel Hannay seeing the necessity of executing the sentence, would have repeated his order; and when the mistake was rectified, the

Native,



Native Officer would have executed the sentence without remorse or delay.

I am free to acknowledge, that, left to my own inclinations, I had much rather have had no concern, directly or indirectly, with the death of Mustapha Cawn; but all circumstances considered, I should certainly, after the maturest reflection, act in the same manner again. The man was delivered over to me under sentence of death. No person ever suggested an idea of the report being false. No officer can question the report of another, without some good foundation to rest on. I was told by Col. Hannay, that he had an order, or purwannah, from the Nabob, for the execution of the prisoner. I could not doubt the official communication of my Commanding Officer; but had he sent me the original purwannah from the Nabob, I must have taken it on trust, for I could not have read it. I was well aware, that as I was obliged to march to join Col. Hannay, I could not take the prisoner with me, because of the danger, I may say certainly, of his being rescued. In addition to the positive and repeated orders of my superior, I had other strong reasons for what I did—I mean,

mean, the safety of myself and the detachment under my charge, together with near two thousand inhabitants of the country, who sought protection from our arms, as is stated in my affidavit, made soon after the fact happened. I could have no scruples of conscience with respect to the criminal conduct of the prisoner: his depredations upon the Nabob's districts were as notorious in that country as the pretender's invasion was in this.

It may be said, the Nabob ought not to proscribe a rebel, and yet we know the pretender was proscribed by the government of this country. It may be said, that the prisoner should have had a fair trial—I cannot say that he had or had not. He was delivered over to me in irons, and under sentence of death. It would have been unpardonable presumption in me to interrogate Colonel Hannay, or the Nabob, upon such a subject.

Notwithstanding there existed no reason why I should obstruct the execution of the sentence, for I deny the immediate execution thereof by myself, yet the natural aversion I have to acts of cruelty, would have inclined me to spare him



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so far as to have delivered him over to Colonel Hannay, whom I was about to join; and this I certainly should have done, had I not been well assured of the impossibility of effecting it without the loss of many lives, and perhaps of the whole detachment. These, and such like considerations induced me to give currency to the Nabob's orders.

The foregoing is a true statement of the transaction.

It now remains with me to give some account of the means whereby it came forward to public notice. Mr. Burke, to whose assiduity we owe the present impeachment, in examining various manuscripts and public documents, respecting the affairs of India, found the story detailed in part in an affidavit, made by that very Native Officer, who, as I have already stated, deferred executing the sentence, because the warrant was not made out in his own name. This man being called on by Mr. Middleton, in conformity to Mr. Hastings's request, to state all he knew respecting the rebellion and insurrection in the provinces, related the story of the attack made on the fort of Gorackpore, of the prisoners who rose on

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his guard, and were put to death, and of the warrant being sent for the execution of Mustapha Cawn, of his objecting to the misnomer, and of my arrival, and ordering the Nabob's purwannah to be obeyed. These circumstances are related at length in the affidavit, which, among others, were attentively perused by Mr. Burke.

That gentleman being desirous of filling up the measure of criminality, made use of this information, in order to shew the court, and, I suppose, the public at large, that Mr. Hastings acted corruptly in appointing British officers to the command of the Nabob's batteries; that is to say, he endeavoured to make Mr. Hastings responsible for the misdeeds of all the gentlemen that were in the Nabob's service; accordingly, the 13th article of impeachment contains these words :

“ And, on the 5th of September, 1781, all  
 “ the Zemindars, great and small, and all the  
 “ inhabitants of Gorruckpore, to the number  
 “ of many thousands, and several others from  
 “ the adjacent districts, being provoked at the  
 “ cruel and unjust captivity of the said hostages,  
 “ or other inhabitants, did raise a ge-



“ neral insurrection, and did attack the fort  
 “ of Gorruckpore, in which a native Subal-  
 “ tern Officer under the said Hannay, called  
 “ Alhad Sing, did command, in order to re-  
 “ lease the inhabitants imprisoned therein; and  
 “ on pretence, that during the said attack, a  
 “ foldier had cried out, that the hostages or  
 “ inhabitants aforesaid had begun an attack  
 “ upon him, the said officer, although the said  
 “ captives were unarmed, did give instant or-  
 “ ders to put them all to the sword; which  
 “ violent and barbarous order the said sol-  
 “ dier did set himself to obey, and did actu-  
 “ ally strike off the heads of eighteen of the  
 “ said captive inhabitants, and throw them over  
 “ the walls of the fort, having also wounded  
 “ several others. And a few days after a vic-  
 “ tory had been obtained over the people ma-  
 “ king the insurrection as aforesaid, the said  
 “ Hannay, instead of any inquiry into the ne-  
 “ cessity of the barbarous act aforesaid, commit-  
 “ ted by an officer under his command, or en-  
 “ deavouring, by lenient measures, to reconcile  
 “ the persons whose friends had been slaugh-  
 “ tered, he did, in cold blood, send a written  
 “ order to Munawar Cawn, another officer,  
 “ or other person under him, giving directions  
 “ con-



“ concerning a person of great rank, emi-  
 “ nence, and consideration in the country,  
 “ called the Rajah Mustapha Cawn, purport-  
 “ ing, that if the said Rajah Mustapha Cawn  
 “ had been put to death, it was well ; if not,  
 “ to strike off his head, or words or directions  
 “ to that effect : and the said Munawar Cawn,  
 “ shocked at the said inhuman and wicked  
 “ order, did decline obedience thereto, and  
 “ did shew the same to the very officer who  
 “ before had committed the terrible slaughter  
 “ aforesaid : yet the said officer, who appears  
 “ to have been of a savage and bloody disposi-  
 “ tion, did, however, recoil from the execu-  
 “ tion of the said order, and declared that he  
 “ would write to the Colonel (meaning the  
 “ said Hannay) on the subject, as the order  
 “ was not expressly directed to him. And the  
 “ said order did remain without execution,  
 “ till the arrival of Capt. David Williams, at  
 “ Gorruckpore, when the said David Wil-  
 “ liams, or some other English officer, did,  
 “ in execution of the said bloody and arbitrary  
 “ order, without any form or process, and in  
 “ cold blood, direct and cause to be put to  
 “ death the said Rajah Mustapha Cawn.  
 “ And the said cruel and atrocious murder,  
 “ &c.”

All the information which Mr. B. could possibly have to support the matter contained in the above article, is the affidavit of Alaud Sing, which I here subjoin :\*

The

\* “ I had confined under my guard, in the fort of Gorackpore, one hundred and fifteen Burgomauls, inhabitants of Surwaur. On the 15th of Ramzan, the Rajah of Gorackpore, the Zemeedars of Ouloolah, Bechouly, &c. &c. great and small; likewise all the inhabitants of Gorackpore, with six thousand Matchlocks, and great numbers of country people, armed with clubs, at four guries of the night surrounded the fort, and made an attack by surprise; but the Sepoys on guard at the bastions were awake; they began to fire, and an action immediately followed. Seeing that the country people were in great numbers, I went to each of the bastions, and encouraged the Sepoys, and called them to me in the body of the place, and formed them together. I left a Havildar and ten Sepoys at the Rung Mahul, to protect the baggage, but it was night-time:—the country people made an assault with ladders, and entered the fort, and both parties fought resolutely. At this time they placed ladders against the inner fort, towards the South, and entered upon the bastion: I seized an advantageous opportunity (attacked) and killed seventeen of the enemy on the bastion, and wounded several others. About half after ten at night they made an attack upon the Western bastion. As there was a straw chupper on that bastion, I took shelter under it, and threw down, with all my force, a part of the brick

“ bat-



The Reader will here observe, how very much Mr. B. has distorted the sense of the affida-

“ battlement on the enemy, by which four of them were  
 “ killed; one other fell by a musket ball, and they re-  
 “ treated. A third time, about three o’clock in the  
 “ morning, the country people raised a great shout, and  
 “ attacked us again: I was then engaged on the inner  
 “ fort bastion; Seubunse Havildar was posted, with  
 “ twelve Sepoys, to guard the Burgomauls; they rushed  
 “ upon him in a body, and Seubunse called out to me  
 “ in a loud voice, that the Burgomauls had attacked  
 “ him. I gave him orders to put them all to the sword:  
 “ he instantly struck off the heads of eighteen Burgo-  
 “ mauls, and threw them out, and he wounded several  
 “ others. The morning now broke, and I entertained  
 “ a hope that the enemy would fly, and that the people  
 “ of the town would certainly join me; but the coun-  
 “ try people, the Fougedar, &c. were all united with  
 “ the Rajah; they lifted up their arms, and said, The  
 “ Doway\* of the Nabob Saadut Ally Khan, and the  
 “ Begum, has spread through the country; for the  
 “ Rajah Cheit Sing has destroyed all the English, and  
 “ letters have come to the Rajahs to put the dependents  
 “ of the English to the sword, wherever they may  
 “ be found; and he said, ‘ Where will they go? the  
 “ country is mine; I am a Bhonear Rajah, how long  
 “ will they be able to oppose me?’ In such discourse  
 “ two guries of the morning had passed away. From  
 “ the Eastern to the Western gate, within the Mahul,

\* The acclamation of appeal to the sovereign power.

“ they



affidavit.—I would ask any man, who reads the words of Alaud Sing, if they can possibly warrant

“ they furrounded the inner fort on all sides, and the  
 “ action was renewed. We continued engaged for five  
 “ pahr (fifteen hours) with the enemy, without tasting  
 “ either food or water. At this time, Furhaud Beg came  
 “ from the Rajah Bhonea, to make propofals, of which  
 “ he informed me by one of my people. The Havil-  
 “ dar Superfaucl said, ‘ Perhaps the Rajah has sent  
 “ him to support us ; no matter, let him be called ;’ so  
 “ I sent for him, and he came up to the gate of the  
 “ inner fort, and when he saw me, he said to me, ‘ You  
 “ have no masters, the English are all killed, and the Co-  
 “ lonel and Mr. Gordon are confined by the Begum.’  
 “ I gave him insulting language in reply to this, and  
 “ told him to tell this story to the Sepoys who were  
 “ with me ; and he did repeat it with a loud voice to  
 “ the Sepoys, and said to them, ‘ You have no mas-  
 “ ters, give up the Burgomauls, that they may enter  
 “ into the Rajah’s service, or go where they think pro-  
 “ per.’ In reply we said, ‘ The good fortune of our  
 “ masters is on our side, and while we have life we will  
 “ fight ; and we will not give up the Burgomauls.’ At  
 “ this juncture Selamut Khan, Jemmadar of Grenadiers,  
 “ with nine Sepoys, unexpectedly arrived in the town  
 “ from Nerownah. My people from the inner fort saw  
 “ that a company had arrived near to the Cutwall’s  
 “ Chubbootree ; they gave a loud shout, and said, ‘ A  
 “ company of Grenadiers is arrived from Kunkooa ;’  
 “ and their spirits were raised ; and we opened the gate  
 “ of the fort, and Selamut Khan joined us. The bra-  
 “ very

rant Mr. B. in saying, that the prisoner was never tried? The deponent related just what occurred

“ very and resolution of Selamut Khan are not to be  
 “ described. When the enemy beheld the arrival of Se-  
 “ lamut Khan Jemmadar, they turned their faces to  
 “ flight. I pursued them with my people through the  
 “ Western gate, and many of the enemy were killed and  
 “ wounded, and numbers were killed, and numbers were  
 “ drowned in the river; and, by the blessing of God,  
 “ we obtained the victory. I returned into the fort,  
 “ and immediately secured Ferhaud Beg, and Fyz-oolla  
 “ Beg, who had come to make proposals about the  
 “ Burgomauls. I wrote an account of the whole of  
 “ this affair to the Colonel and to the Captain.\* After  
 “ a few days, an order came from the Colonel to Mun-  
 “ nowur Kahn, directing, that if the Rajah Mustapha  
 “ Cawn had been put to death, well; if not, strike off  
 “ his head. Munnower Khan shewed me the order.  
 “ I said, ‘The order is not written to me, I will  
 “ write to the Colonel on the subject.’ And it was  
 “ understood from the country people, that the Captain  
 “ was marching towards Banaris; (but) that the grena-  
 “ dier Sepoys had mutinied, and demanded their pay:  
 “ that the Captain gave them three months pay, and  
 “ proposed to them to march with him to Banaris. The  
 “ Sepoys all answered, that they would go to Bun-  
 “ gulla, and deliver up their arms at the gate of the  
 “ Begum; in consequence of which, the Captain was  
 “ obliged to give up his intentions of going to Banaris,

\* Captain Gordon.



occurred to him, or what he thought relevant to the subject, he was desired to elucidate.

Had

“ and return to Gorackpore; and he gave orders, that  
 “ the head of Mustapha Cawn should be struck off;  
 “ and he was beheaded accordingly; and a proclama-  
 “ tion was made through the town, that those who were  
 “ guilty of such crimes would meet with the same pu-  
 “ nishment. The Captain halted for some days, and  
 “ brought up grain for the Sepoys. At this time,  
 “ the brother of Soobaun Sing, Pulwaun Sing, with a  
 “ thousand matchlocks, and others, country people,  
 “ were at Gorackpore; and they raised an outcry, and  
 “ said, that the English should not remain in the town,  
 “ and they prepared for action; so the Captain crossed  
 “ the Raubty. A bullock man belonging to the artillery,  
 “ who returned into the town to buy fodder, they put to  
 “ death. Marching from thence in four days, the Cap-  
 “ tain arrived at Baunfy. The Ranny of Baunfy came  
 “ to see him, but her son prepared for hostilities; he  
 “ said, ‘ They have struck off the head of our Rajah  
 “ at Gorackpore, and I will be revenged.’ We march-  
 “ ed from thence; and the Rajah of Bulrampoor, with  
 “ his people, had thrown up an intrenchment across  
 “ the road; and he said, ‘ It is the Begum’s orders,  
 “ that you shall not march by this road.’ With the  
 “ greatest hazard and caution we marched from thence,  
 “ and arrived at Koonda, and the country people retired  
 “ into the fort.

“ This is a true account which I have set forth;

“ AHLAUD SING.”



Had the affidavit been the result of a string of questions, it is probable he would have been asked respecting the trial; when he must have answered, that he knew nothing of the matter, for the prisoner was under sentence of death when he relieved the former garrison at Gorackpore; but whether the sentence was passed by a Court of Justice, or by the Nabob himself, he could not tell; neither could Alaud Sing give the least account as to what passed between the Nabob and Col. Hannay. Possibly, were the former to be examined, or were the latter living to give an account of the transaction, it might turn out very different from what is at present supposed. It is possible that the Nabob, after hearing of the attack on the fort of Gorackpore, might order Colonel Hannay to execute a sentence which had been delayed for some reasons, known only to themselves. I do not give this as a fact, but as a strong probability only; but, at any rate, to infer that no trial, form, or process took place, because Alaud Sing did not mention it, is absurd in the highest degree; for as I have shewn, Alaud Sing could know nothing of it, nor if he had, would it have been a fair inference to say, that his not mentioning the circumstance was a proof that it never happened. In like manner,

manner, the article says, that Alaud Sing gave orders to put the hostages to death, on *pretence* that a foldier cried out during the attack of the fort, that they (the hostages) had attacked the guards. Now I wish any man to read the affidavit, and then say, if Mr. B. is warranted in saying, that the order was founded in *a pretence only*. A very superficial reading must convince any one, that the article above quoted is very dissimilar to the affidavit from which it is extracted. With Mr. Burke the not mentioning of a fact, by a man who had not even the means of knowledge, is a proof that the fact never happened, and a matter of fact verified by an oath is converted into a fiction or pretence. Were I to judge of other allegations by this, I should not think much of their foundation.

About two years since, when I first became acquainted with the contents of the foregoing article, I felt myself extremely hurt by the unjust accusation, and should have applied to parliament immediately for redress, had I not entertained a hope of explaining the transaction, and refuting the calumny upon my being examined at the bar in Westminster Hall. At that time I was in daily attendance on the



Court, in consequence of a summons from the Lords, at the request of the managers. My hopes were disappointed, and I returned into Wales, under an assurance that I should be called on the defendant's side in a very short time. It happened some months since, that a gentleman of my acquaintance undertook to write, for the use of some private friends, an elucidation of the impeachment, which was afterwards made public. In the course of the publication, the work was attacked with much acrimony by some anonymous writer, who, in one of his letters, made use of my name, and represented me as a man undeserving of credit, on account of the House of Commons having voted me guilty of murder.

This attack upon my character was made in the *Gazetteer*. The paper was sent to me in Wales, where I consulted some professional men, on the propriety of suing the printer: the prosecution was discouraged, and I therefore found it incumbent upon me to bring the business to a public examination.

Conscious of my own innocence, I courted an inquiry, for I knew not fear: I drew a



petition, and requested Major Scott to present it to the House of Commons for acceptance. Its prayer was for an inquiry into my conduct. I went down to the House, and was told by many members that the petition would be received. It was in general understood, that Mr. Pitt would vote for receiving it. Mr. Francis was the first member who spoke immediately after Major Scott's introduction.

[Before I proceed to take further notice of the several speeches made by Mr. Francis, and other gentlemen, upon the present subject, I must throw myself upon the clemency of the House of Commons. I am sensible that it is very wrong in any person, without doors, to animadvert on the speeches made in the Senate—it may, probably, be construed into a breach of privilege; but, I trust, all who read this will have the goodness to recollect the peculiar situation in which I now stand—I have been accused of murder, in the articles of impeachment voted by the House of Commons against Mr. Hastings—I have been reproached and vilified in the public papers—I have sought redress by petition, and my petition has been rejected—I have endeavoured, by application through Mr. Francis, to obtain  
a par-

a parliamentary inquiry into my conduct, and that inquiry has been rejected also. The speeches of the several members, who spoke on both these occasions, are published in all the newspapers, and circulated all over the kingdom. The article which imputes to me the horrid crime of murder, stands upon the records unrescinded, and unaltered. Under these circumstances, I appeal to the feelings of every man in the kingdom, whether I can, without a manifest and irreparable injury to myself, suffer what has been published to the world, as the speeches of certain members of Parliament, to go forth uncontradicted or unanswered. It is true, I was in the gallery during every debate on this business, and, as far as my memory serves me, the accounts in the papers are correct; but if any member denies having said what is attributed to him by these papers, I wish to have it considered, that I am animadverting on what is imputed to him, rather than on what he really did say.]

Mr. Francis began, with declaring his intention to say strong and personal things—he made use of much invective, and many expressions, which were very unfounded, and I may say



say untrue. In one part of his speech he said, that I was sent by Colonel Hannay to Gorackpore, for the express purpose of putting Mustapha Cawn to death. This is what I understood him to have said; and other gentlemen in the gallery understood him in the same sense.

It is very far from my wish to cast any reproach on the character or veracity of Mr. Francis, but I must, in my own vindication, tell the public, that there is not one syllable to be found, in all the documents in his possession, which can warrant the assertion;—so far from it, that he cannot read my affidavit, which was made eight years ago (when I had no forethought of what has since happened) without knowing that my going to Gorackpore was an act of necessity, forced on me by the unexpected mutiny of the troops. It is a well-known fact, to many gentlemen who were in the Nabob's country at that time, that Colonel Hannay and myself were on very bad terms; it was, therefore, very unlikely, that he would have selected me for the execution of his private purposes.

I must



I must confess, that it would give me great satisfaction, if Mr. Francis would publicly avow his reasons for thinking that I was appointed or sent to the fort of Gorackpore, for the express purpose of executing Mustapha Cawn. If he does not clear up that point, I shall always consider it as a very great injury—and I do think it his duty to state, publicly and clearly, his grounds for the assertion he made—It is a debt he owes both to himself and me: if he does not do it, the public will, of course, believe him to have made a groundless conclusion; and I shall for ever consider it as a malicious calumny. Mr. Francis's speech was very long; it was delivered in great heat of passion, and it concluded with declaring me a murderer, and expressing a hope that I should be hanged. It were needless to enumerate all the offensive parts; it is sufficient to say, that it produced all the effects Mr. Francis wanted. The petition was rejected, and Mr. Pitt freely acknowledged, that though he was, at first sight, inclined to receive the petition, he had changed his mind since he came to the House. Probably Mr. Francis's violence was the cause of the alteration in Mr. Pitt's sentiments.

Here

Here Mr. Francis left the business; but upon a pressing application from me, he consented, in the course of the following day, to bring the matter forward again, in some shape or other.

Mr. Francis accordingly gave notice to the House of his intended motion, which he brought forward on Monday, the 15th of March. In his opening speech of that day, he was less abusive than on the preceding, though, even then, he said very unjustifiable things, but they were principally repetitions of what he said the day the petition was rejected. Among other unaccountable assertions was this—That the Nabob of Oude was a mere cypher and a tool in the hands of the English—He compared him to the Nabob Mobareik ul Dowlah, who has not even the shadow of independence: yet this same Mr. Francis, who now finds it convenient to deny the Nabob's criminal jurisdiction, was formerly a member of the Supreme Council of Fort William, and actually signed a letter, telling Colonel Goddard, that—the Nabob was *the Fountain of Justice in his own Dominion*, and that the Supreme Council had nothing to do with Courts

Mar-



Martial, ordered by the Nabob and held over his own subjects.

I would wish the reader here to pause for a minute, and reflect on the miserable situation to which officers serving in that country are reduced, when their conduct is to be tried by such variable and fluctuating rules.

In Calcutta, when Mr. Francis was one of the supreme rulers over all the Company's establishments in India, he declared the Nabob was the fountain of justice in his own country; and now he tells the senate, that the Nabob was a cypher. If the Nabob is a cypher, why did the Supreme Council tell their inferiors that he was the fountain of justice, and thereby entrap them into an obedience of orders, for which, afterwards, they are to be punished with death? I should have thought it hard, to have heard any one member of Parliament declare, that the Nabob was a cypher, and ought not to be obeyed; but it comes with an infinitely worse grace from Mr. Francis, who signed the letter which announced to the troops, that the Nabob was the fountain of justice in his own country, and that the Supreme Council had no concern with it. Upon this conduct I shall make

no remark, farther than to remind the reader, that the doctrine delivered by Mr. Francis in the senate, struck at my life.

It is a duty incumbent upon me to shew that the letter written by the Supreme Council was dictated by truth, and the doctrine set up of late by Mr. Francis, is irreconcilable with usage, custom, and precedents. The Company's records will shew that an attempt was made by Mr. Bristow, to interfere with the Nabob's criminal jurisdiction, near two years after the execution of Mustapha Cawn. Neither the Nabob nor his ministers would listen to proposals of any kind upon that subject, and he now, as he ever has done, holds his authority, in criminal cases, as independently and uninterruptedly as any sovereign in Indostan. Mr. Francis told the House that the Purwannah was not to be found in the India-House—it is impossible but he must have known that it was a mere mockery to inquire for the Purwannah at the India-House; the clerks must have laughed at him, if he really made such an inquiry. I would ask him here, if he ever knew one instance of a Purwannah of the Nabob of Oude, for the execution of one of his own subjects, being sent to the presidency at Calcutta? I must



must again put the reader in mind, that Mr. Francis, by saying that the Purwannah was not to be found at the India-House, led many people into a belief that no such Purwannah could have been granted by the Nabob; for, says Mr. Francis, Capt. Williams cannot produce it, nor can it be found at the India-House; consequently the presumption is, that no such warrant or Purwannah ever existed: this insinuation, or I may call it, unfair conclusion, struck at my life. Were I to go through the whole of Mr. Francis's speeches, as they appear in the papers, there would be no end to the animadversions I might make; but the three points I have mentioned have made an impression on my mind, which can never be erased; and I hope the reader will forgive me if I repeat them again.

*First*, He told the senate that I was elected for the purpose of committing a murder, at which a black man, who had destroyed eighteen prisoners, shuddered and revolted.

*Secondly*, He said the Nabob was a cypher, and could not grant such a Purwannah, notwithstanding he had himself declared to the army, that the Nabob was the fountain of justice.

And, *Thirdly*, He led, or tried to lead, the senate into a belief, that as the Purwannah could not be produced by myself, nor found at the India-House, no such warrant existed, or had been granted.

Had the House been led away by these assertions, and had a jury been guided by such proofs, I had fallen a victim to false evidence ; for I bid defiance to all mankind to establish the truth of the three points I have stated, as coming from Mr. Francis.

Among other attempts made by Mr. Francis to mislead the House, was this : He said, his long residence in India had made him acquainted with India matters in general, and among the rest with the conduct of Captain Williams in particular, in the present instance. In this assertion he was guilty of an anachronism ; for Mr. Francis had left India some time before I was even appointed to the command of my battalion in Gorackpore, and nine or ten months before the execution of Mustapha Cawn. He therefore could know nothing more of the transaction than what he collected from the affidavits and other documents, open to the reading of every member of the House Commons, as well



as of himself. I cannot help looking upon this as a very unjustifiable assertion of Mr. Francis ; for the drift of it was, to obtain a degree of credit to which he was not entitled, and which was to have been employed to my ruin.

This gentleman has often boasted of his superior knowledge of India business. He maintains that his situation gave him means of information which were unattainable to others of inferior rank. In all matters that came immediately before the board for discussion, he certainly had a greater degree of knowledge, but with respect to a general knowledge of the politics and interests of the country, no man possesses less. He had no local knowledge whatever ; I have heard of his going a few miles up the country, and nothing more. Any person sitting in his closet in the city of London, may in a few hours acquire all the oriental geography of Mr. Francis ; he knows nothing of the language ; he has read none of their histories but through the medium of a translation, and such as are common to every English reader in this country. In short, if he has any extraordinary knowledge, none but himself can tell how he obtained it.

Mr.

Mr. Francis laboured to make it appear, that Mustapha Cawn was a Rajah of great eminence, and that he was taken prisoner about the 5th of September 1781. For the truth of this he appealed to the affidavits. Now the fact is, that Mustapha Cawn was, in the beginning of the same year, delivered over to me, under sentence of death, by Major Lumisdaine, whom I relieved. Neither is there one word in the affidavits which can justify Mr. Francis's assertion. It must appear very strange to every attentive reader, when he compares the great errors, into which Mr. Francis attempted to lead the House, with his boasted knowledge of India matters in general, and of my case in particular.

The observation I am now going to make is matter of surmise, and not of positive knowledge, but I take the case to be this—Mr. Francis probably drew the articles of which I complain, and therefore found it necessary to support the validity of it at the expence of my character, or even of my life. There is in the said article a conclusion, which the affidavit from which it is drawn will not in the smallest degree warrant. It is there said, that Munawar Khan was shocked at the order of Colonel Han-

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nay for the execution of Mustapha Cawn, and that he shewed the said order to that very officer who had before cut off the heads of eighteen men, and that the latter, though apparently of a savage and bloody disposition, did recoil from the execution of the said order, and declared, that he would write to Colonel Hannay about it, as the order was not directed to him. There is not a tittle in any one of the affidavits which intimates any thing of the kind.—The delay was founded on the misnomer, and on that only—and yet the article insinuates, that what so savage and bloody-minded a man as Alaud Sing could not execute, I could. Never was there a more cruel attack made upon a character than was made upon mine, by the person who penned this article. It is true, the articles have the sanction of the House of Commons, but it was left to the committee to frame them, in which Mr. Francis, no doubt, had a large share. But I have the authority of Mr. Burke for imputing every thing to him; most people must remember Mr. Burke's declaration to that effect, when he unsuccessfully urged the House to add Mr. Francis to the list of managers—I say *unsuccessfully*, because the House did not think him a proper person for to conduct any part of the impeachment.

Before I take leave of Mr. Francis, it is necessary for me to observe upon the uncandid manner in which he stated my evidence, given before the House of Commons, on a former occasion. He endeavoured to show a contradiction between that and an expression in the petition. In the former I said, that *I did not consider myself in the service of any Prince whatever.* And in the latter I said, *that I was appointed to the command of a battalion in the service of the Nabob of Oude, &c. &c. under the immediate command of Col. Hannay; that after the time of your petitioner's being in the Nabob's service, there broke out various insurrections, &c.* Possibly there may be a small contradiction in words, but not the least in the sense; for in my examination, and in the petition, I declared that I was in the company's service, and that I was appointed by the Board to the command of a battalion in the Nabob's service, subject to recall whenever they should think proper. I considered myself, therefore, as a servant of the Company, though lent to another Prince, just as the Hessians are in the service of their own Prince, though they are, in fact, employed in the service of Great-Britain. I was in the service of the Company, but the company lent me to the Nabob, and I consequently was, as long

as



as the company suffered me to remain, a temporary servant of the Nabob's. When I said in my examination, that *I did not consider myself in the service of any Prince*, I understood the question to be—Whether I was a Nabob's officer, or the Company's, for the Nabobs of Oude and of Arcot have English officers, over whom the Company have no controul, as Mr. Francis well knows. In that sense, I said I was not in the service of any Prince. When I used the words in the petition, *after the time of my being in the Nabob's service*, I meant after the time of my becoming his lent and temporary servant.

I shall now take notice of the doctrine, which, according to the newspapers, General Burgoyne delivered in the House of Commons. He said, that he considered the execution of Mustapha Cawn as an atrocious murder; and as a confirmation of his opinion, he quoted from his own pamphlet this observation, *That to serve at the expence of health, life, and fortune, was to be a soldier, and to serve at the expence of honour, was to be a slave*. He said a great deal about humanity, which certainly came with a very ill grace from a man who in the late war employed a body of the most cruel and blood-thirsty savages. It is true, the Ge-  
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neral gave very proper and justifiable orders to  
 the army he thus procured ; but as Mr. Burke  
 very justly said, he might as well have issued  
 his orders to the beasts of the forest. For my  
 own part, I do consider the General as much  
 responsible to God and Man for all the murders  
 committed by those savages, as any man would  
 be for the actions of a mad bull purposely let  
 loose in a street full of women and children.  
 It required no great share of prudence or saga-  
 city to foresee, that a body of savages would  
 never submit to military orders and discipline.  
 Accordingly we find they committed many  
 atrocious acts of violence, and one murder in  
 particular, attended with uncommon circum-  
 stances of horror, I mean that of Miss Macrae,  
 which was pardoned by General Burgoyne, be-  
 cause the punishment thereof would probably  
 have caused a desertion of this army of but-  
 chers. One would have thought, that a recol-  
 lection of what passed in America, might have  
 prevented the General from charging me with  
 inhumanity. If ever there was a case wherein  
 the putting of a prisoner to death could be jus-  
 tified, it is this of mine. Independently of the  
 Nabob's sentence, it was essential to the safety  
 of myself and the detachment under my com-  
 mand. Had I had no authority from the sove-  
 reign



reign of the country, I should have been tempted to have tried Mustapha Cawn by a Court Martial, for the murder he committed on one of the guards set over him. I do, in terms the most positive and unequivocal, deny that in what I did, I served at the expence of honour.

It is something remarkable, that though the affidavits from which the General, Mr. Burke, and Mr. Francis drew all their information, are full of nothing else but accounts of insurrections, tumults, and rebellions in that country, yet they all argue the legality and illegality of the transaction, upon the same principles as a lawyer would do when speaking of a homicide committed in England, by a soldier, in time of the most profound peace.

General Burgoyne took not the least notice of the hostile state of the country, nor of the danger attending the rescue of the prisoner. That Mr. Burke, who has never seen any military service, or that Mr. Francis, who, though one of the Supreme Council at Fort William, was never but once out of Calcutta, and then only to a very short distance—that men, such as these, should perceive no difference between a state of war and peace, is not at all to be won-

dered at ; bnt when we hear General Burgoyne arguing against the rectitude of executing a notorious robber, in time of actual war, and at the very moment when his banditti were about to attempt his rescue, it is impossible to stifle our surprise and indignation. It is true, the General did not speak more than once, but the doctrine he delivered that day was sufficient to ruin an army, by destroying obedience altogether. Can the General say, that all his acts in America were reconcileable to the laws of humanity, to the municipal laws of this country, or of any other ; nay more, can he reconcile them to the law of arms, and the law of nations ? The General well knows, that the law of arms and the laws of the land are very different, and that many things are necessarily and unavoidably done in the time of war, that neither are, or ought to be done in time of peace.

Before I drop my remarks on the General's doctrine, I would ask him, in the situation I then was, what I ought to have done ? The prisoner was delivered over to me as under sentence of death—whether with or without trial, I know not. I was ordered to carry the sentence into execution, and was told by my commanding of-



officer, that if I suffered him to escape or to be rescued, we could not keep our footing in Behraitch. I knew also, that I could not afford an escort sufficient to secure him during our march to join the Colonel. Add to this, my own detachment was in a very mutinous state, and the apprehension they were in of being attacked by Mustapha Cawn's banditti, together with the temptations held out by himself, were sufficient to drive them from a state of doubtful obedience to absolute and decided revolt. In this situation I stood, and I appeal to every military man, who has ever seen service, nay to every man of common understanding in the kingdom, whether I could have acted otherwise than I did.

The General compared the execution of Mustapha Cawn to the massacre of the Huguenots, and quoted an anecdote from some French writer, which was to this purport—that Viscount Dal being ordered by the King to have the Huguenots murdered, wrote back, that he had nothing but brave soldiers, and that there was not an executioner among them. He related another story, which was, that even a hangman by profession would not put the Huguenots to death; but informed the Court that

that he was no affassin, and that he worked only according to law and justice. The intention of these anecdotes was to insinuate, that I had more of the affassin in me than a common executioner.

In answer to these, and such like insinuations, I take the present opportunity to tell the General, and all the world, that I am no affassin nor executioner; that I was not the judge who condemned, nor the executioner who beheaded, Mustapha Cawn. I issued the orders which I received, and which, under the then circumstances, I durst not disobey. I must farther tell the General again, that such anecdotes come with a worse grace from him than from any man this day existing—the man who employed the savages of America, is answerable to God and man for all the horrid cruelties they committed.

Colonel Fullarton also gave his opinion in confirmation of the General's, but it must be remembered that he was called upon by the General in language too flattering for human vanity to resist; but whether the Colonel's sentiments were the result of cool and deliberate reflections, or of gratitude for the fulsome compliments



pliments he had received, it signifies very little. His sentiments as he delivered them were sufficient to cut up military discipline by the roots. It is however necessary to remind the Colonel, that though the ministry may confer rank, they cannot confer experience; and that supercession of command is not the supercession of knowledge. He ought also to remember, that it has been his fortune to learn the art of commanding without submitting to the painful though necessary lessons of obedience.

I am now going to take notice of the conduct of Mr. Burke in this business.—This gentleman was not present the day of presenting my petition to the House of Commons. The first part which he ostensibly took, was at the house of Mr. Francis, when in company with some friends I called at that place. He there contended strenuously for the irresponsibility of members, for the speeches they make in Parliament. It has often occurred to me, though whether my suspicion is well or ill founded, I cannot say, that Mr. Burke has entertained a strong resentment towards me on account of some conversation that passed between us about three years ago, in the lobby of the House of Commons. The substance of our conversation

was this :—I had been detained for some time in town by a summons from the House of Commons ; when seeing Mr. Burke in the lobby, I addressed him, with a request to know when I should be examined, telling him of the necessity I was under of going into the country. He asked my name, and apologized for the delay. He then inquired of my stay in India, of my knowledge of Oude and the Begums' country. I told him I had been there for some time. He replied, I was the very person they wanted. He asked if I knew any thing of the Begums, I answered that I did, and that they had given me much trouble during my command in their neighbourhood. He then, in a very rude and insulting manner, said, that the Begums had served us right if they had cut all our throats. The unprovoked rudeness of this remark, urged me to tell him, that I was not conscious of having deserved such treatment—and *that many people in this country deserved to have their throats cut much more than myself.* This conversation became public, and was mentioned, to the great mortification of Mr. Burke, in the House of Commons a few days afterwards. I have often suspected, that the severity of the remarks upon me in the article I have already quoted, was heightened, if not produced, by  
 Mr.



Mr. Burke's recollection of the above circumstance; or it might have been done with a view of depriving Mr. Hastings of the benefit of my testimony.

It is impossible for me to ascertain the true cause of my having been treated so cruelly by the committee who drew up the articles of impeachment; but this I may safely affirm, that they did me a great injustice. I am extremely happy to find the Solicitor General of the same opinion with myself upon this point. He, in a spirited manner, that did equal honour to his head and heart, told the House of Commons, that the committee had no right to say, in their articles, that I was guilty of an atrocious murder, unless I had been convicted in some court of justice, or unless they had resolved to prosecute me for that offence.

Mr. Burke says, that the articles state, that Captain David Williams, or some other officer (probably Captain Gordon,) obeyed the order for execution; and that their reason for not prosecuting, was their uncertainty as to the real offender. But did they ever take any pains to find out who was the officer that executed the order? No! they did not; for had they

studied the affidavits, and compared dates, they would soon have discovered, that it could not have been any other person than myself.

Mr. Burke also says, that the reason why they overlooked me was, that I was one among many myriads of a system of speculation which originated with Mr. Hastings; and that it was natural to expect, that the army of little vermin would have skulked in holes and corners, satisfied with impunity from the arm of public vengeance, which had for its object the Captain-General of Iniquity. Mr. Burke is at present a member of Parliament, which, in his opinion, gives him a privilege to abuse whatever character he pleases;—characters which I thus publicly tell him, whether private or public, are fairer and better than his own. I will tell him farther, that a man of honour will not abuse, where abuse cannot be returned, and that a man of spirit will not shelter himself under the privilege of Parliament; and I go still farther, and say, that the man who wants honour and spirit, in general wants truth.

Mr. Burke was extremely severe, when the word *animal* was applied by Major Scott to Muf-tapha Cawn, yet he makes no scruple to call the



Company's Officers a race of vermin. I here ask, Who is this Mr. Burke? and what right has he to cast such contemptuous reflections upon gentlemen, who are in every respect his equals, and in many things his superiors.

There is scarcely a man who ever served the Company in India, who is not Mr. Burke's superior in the first and most essential quality of a good subject. Were I to contrast the conduct of the Company's Officers in the field, with Mr. Burke in the Senate; it would readily be seen to whom the term *vermin* were more strictly and justly applicable. The nature and quality of vermin is to undermine and destroy; not to support and repair that building which shelters and maintains them. The Company's Officers, at the hazard of their lives, defended and preserved India to this country. Mr. Burke's doctrines in the Senate drove America to rebellion, and Ireland to independence. The general tenor of his public conduct has been inimical to the peace and prosperity of Great Britain; I have often heard him called, and I believe with much propriety, the Belial of Sedition.

I feel, whilst I am speaking of that man, a degree of indignation, which, if it were not

lowered by the hearty contempt in which I hold his person and conduct, would carry me beyond the line of decency.

Mr. Burke, in his speech on Monday se'n-night, represented my avowal of the part I took in respect to Mustapha Cawn, as a matter of much criminality. He said that I *bearded* them: I do not know what he means by *bearding* them, unless he alludes to my calling upon Mr. Francis to bring forward the charge against me. If this be his meaning, it is certainly right; I did defy them to prove me guilty of any crime. My conscience bears me testimony, that I did my duty; and my reason tells me, that had I spared the life of a murderer and a robber, I had sacrificed the lives of myself and my detachment.

I will not defend myself by recriminating upon Mr. Burke; but I may with safety venture to tell him, that the robber who deprives me of my purse; the assassin who deprives me of my life, does me infinitely less injury than the merciless tyrant, who wantonly and wickedly robs me of my reputation.

Mr.



Mr. Burke said at Mr. Francis's house, that he had in the course of the impeachment accused some hundreds. It is very well known that he did so; but he should remember, that the laws of this country, though they may sleep a-while, are not dead. There may be a day of retribution: it may become a matter of very serious inquiry, whether an advocate in a Court of Justice has a right, in the prosecution of one man, to ruin the character, and to destroy the happiness of thousands. If the law will permit such injuries to pass unpunished, the subjects of this kingdom hold the best and most valuable part of their property by a very precarious tenure.

But let Mr. Burke judge from his own feelings—from what he felt when he conceived a reflection was once cast upon himself—of what others must feel in a situation infinitely more affecting. If he himself could not bear the charge of inaccuracy, inattention, or meditated injustice, how am I to bear the imputation of so horrid a crime as murder? The imputation is so heavy, that I would sooner part with my life than be under it. There certainly were very great authorities who thought me imprudent in petitioning the House of Commons

mons for redress, and in urging Mr. Francis to bring the matter into discussion a second time. Though I have the greatest respect for the authorities I allude to, yet I am satisfied in my own mind, that I acted with propriety. Convinced of the legality of the proceedings, according to the laws of the country where I served—convinced of the absolute necessity of acting in the manner I did—convinced, also, of the purity of my intentions, I provoked an inquiry.

I defied the malice of my enemies, notwithstanding I foresaw that every insidious attempt would be made to effect my ruin. Among other artifices adopted by them, was this ; an anonymous paper was handed about privately, and distributed among the members, on Wednesday, the 16th of March, the day on which it was generally expected the question would have been finally discussed. It was called "A Letter from One of the Commons of Great Britain," *supposed to have fallen from the pocket of the writer by accident*, and to have been picked up by accident, and printed, I suppose, by accident. The intention of this publication was to confound the judgement of the readers, and mislead them into the erroneous

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ous notion, that the laws of Great Britain are observed in the dominions of the Nabob of Oude, and that no man could be lawfully put to death in that country, without a trial by Judge and Jury. Whereas the real state of the case is, that in all Mahommedan countries, when there is no disavowal of facts, the Prince exercises his own discretion with regard to the extent of punishment on state delinquents. By the Mahommedan laws in general, and by the laws of Indostan in particular, rebels against the state are always capitally punished, unless the Prince chuses to exercise his prerogative of mercy.

In the above-mentioned publication there were many quotations from Coke, Hawkins, and other lawyers, whose works were unknown to me, and whose names have never traveled beyond the boundary of Calcutta. Had my enemies acted with common honesty, or had they treated the question according to the rule of reason or common sense, they would have consulted the laws of Indostan, and have inquired whether the Nabob had acted agreeably to the usage and customs of the empire. Had they thought that Mustapha Cawn had been put to death with-

without a warrant from the Vizier; had they suspected any irregularity in the proceedings, they might have written to Lord Cornwallis on the subject. His Lordship would soon have discovered whether Colonel Hannay or myself had forged the Nabob's name, or usurped his authority: they might have known whether Mustapha Cawn had been a rebel in the manner I have described, or not:—in short, they might have collected such evidence as would have condemned me, if guilty; or acquitted me, if innocent. Had they acted in this manner, they had behaved honourably; but instead of doing this, they take the direct contrary; they garble affidavits, and draw unwarrantable conclusions; they read my petition, and give credit to every word that they could possibly torture and turn against me; they disbelieved, or affected to disbelieve, every word that tends to my exculpation:—for instance, the same affidavit which first gave them information of Mustapha Cawn's death (nay, the only information they had, before I sent them a copy of my petition) gave an account also of various insurrections, and acts of hostility, committed by the inhabitants of that country; yet, of this latter part of the affidavit my enemies took not the smallest notice. Their whole  
argu-



arguments rested upon the want of trial; and they infer that want from the particulars of the trial not being stated in the affidavit. Nothing, however, could be more fallacious than their reasoning upon this question. The man who made the affidavit knew as little about Mustapha Cawn's trial as I did. The prisoner had been in confinement many months, and the garrison had been relieved more than once during that period; consequently the deponent could not swear to facts he was unacquainted with. The fair inference was, that the prisoner had been tried as far as is usual with state criminals, whose guilt is perfectly established. The use of trials is to ascertain guilt, and prevent the suffering of innocence; but where a man has led predatory armies for years; has frequently defeated detachments sent against him, and cut off several parties and escorts, a trial is a mere matter of form. I do not pretend to say, that any man ought to suffer without a fair trial; but this I know, that it is the custom of all Eastern Princes to execute summary justice upon state delinquents, where the facts are not disputed or disavowed. My enemies, and Mr. Francis in particular, denied, not only the Nabob's power to grant a purwannah, or warrant, to put a criminal to death,

but his having granted one also. It certainly is out of my power to prove that Col. Hannay had a purwannah, though I have not the least doubt of it. But certainly prudence directed him to keep the original for his own justification, in the same manner as I kept his letters for mine.

But, according to the doctrine of Mr. Francis, supposing the Nabob's right to grant a death warrant, there ought to have been as many warrants as there were people concerned in the execution; for instance, Col. Hannay ought to have kept one for his eventual justification; I should have had one for mine; the Subahdar of the garrison should have had one for his; and lastly, the executioner should have had a fourth for his justification. According to this there should have been four original warrants, or perhaps more.—No; the custom is the same in the military as in the civil; every man in public employ preserves the order or warrant he received from the persons immediately above him. Mr. Fox, who spoke more than once in the debate, always considered the case in the same point of view as he would have done, had the thing happened in England in time of profound peace.



It has been said, that a British officer should not have been the executioner; I deny having been the executioner. The Nabob's own people, and the natives of the country, were the executioners. I gave currency to the orders of Colonel Hannay, as he did to the orders of the Nabob; that is to say, the Nabob's orders went in the usual channel, till they arrived with the proper executioner. But it is here necessary to observe, that none but the military could have carried the order into execution; nothing but a strong military force could keep the prisoner in safety from the attacks made by his adherents upon the guards: it would have required a stronger detachment than that commanded by me, to have escorted him to Lucknow. I dare say it was Col. Hannay's intention to have sent him prisoner to Lucknow, and to have let the Nabob have used his own pleasure, either to pardon or to execute, had it been practicable to have done so. I cannot account for Mustapha Cawn's long imprisonment upon any other principle. I give this as an opinion only, for I was not in Colonel Hannay's confidence.

I have now gone through all that appears absolutely necessary to my own defence, and

shall leave my case to the impartial judgement of the public, begging them to remember, that those who accused me of murder, never thought it a case deserving their serious attention, till they found it necessary to convict me of homicide, to save themselves from the opprobrium of rashness and precipitancy; and in order to gain more easy credit, they exclaimed, that I had confessed myself guilty of murder. Never was there a more false assertion: I confessed that I had published the Nabob's orders to his own troops, for the execution of a state criminal; but I positively deny having committed murder, or having acted with a murderous intention.—The man who obeys the order, or executes the sentence of a Mahommedan magistrate, is no more guilty of murder by the Mahommedan laws, than a sheriff who executes the sentence of a judge is guilty of murder by the laws of England.

To me it appears very extraordinary, when I consider, that to prove a misdemeanour against one man, they charge another with murder: the former they prosecute, and the latter they would have passed over unnoticed, if they could have avoided the importunity of the petition.

I shall



I shall now conclude my Narrative with a few observations, to the justice of which, I think all mankind will subscribe. The first is, that though it were indecent to complain of the injustice of one part of the Legislature of this kingdom, yet to fix a stigma on a character, without affording an opportunity to efface, to accuse and condemn without a hearing or trial, is, and must be, wherever it falls, a grievous and most afflicting injury.

The next is, that though it is generally, and in some degree truly said, that it was the House of Commons who voted me guilty of murder, in the Article they passed, yet that must be understood in the same sense as when we say, that the act of the servant is the act of the master. The House reposed a confidence in a certain number of their members, to draw up Articles of Impeachment. They executed their task, in the doing of which they implicated me. The Article in which I am mentioned, was consented to, or approved, without any debate upon it. Nor was the attention of the House ever drawn to this precise point, till I presented my petition, which was rejected upon the ground of lapse of time; that is to say, as I remained two or three  
years

years without complaining, I had lost my title or claim to redress. But when the question came on a second time, in another shape, the House determined that no inquiry ought to be made. I hope, therefore, every one who reads my Narrative, will consider the difference between a vote passed after discussion and debate, and one passed without any debate at all. My case was not the principal object; it came in *obiter*, and collaterally, and was therefore unnoticed by any one but myself, till it was brought forward by the anonymous writer in the *Gazetteer*.

I think it is no unfair conclusion to say, that as the House of Commons would neither grant redress upon my petition, nor go into inquiry upon the motion of Mr. Francis; that as neither Mr. Francis, Mr. Burke, nor any one of my enemies, will take upon themselves to become prosecutors, notwithstanding I have left no means unattempted to urge them thereto; I think, after all these circumstances, it is no unfair conclusion to say, that I stand virtually, if not verbally, acquitted by all parties.

The last observation is, that no man who is not prepared and willing to make good his accusation



cusation in public court, has a right to broach it in private company.

I have now only to say, that as I have unsuccessfully tried to bring the merits of my case to a legal decision, I must leave them to the candour and impartial judgement of a disinterested public.

D. WILLIAMS.

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P. S. I have lately been informed by many gentlemen who mix much with the world, that the general opinion is, that no blame is (whatever was) imputed to me for the part I acted with respect to Mustapha Cawn; but that my petitioning the House of Commons, in the opinion of many, very imprudent; that I ran the risk of being tried for my life; and that had I remained silent, the whole business had been buried in oblivion. Notwithstanding the opinions of the lawyers, and of the generality of the people, may be against me, I still remain in perfect conviction of the propriety of the measure I adopted. I am free, however, to admit, that it would have been better, had I petitioned at the time the Articles of Impeachment were voted.

voted. Perhaps, had I known their contents respecting myself, I might have sought redress at the time above mentioned; but the fact was, that the Articles were voted in the year 1787, and being in Wales, I knew nothing of them till the next year, when I was summoned to town by the Managers, to give evidence against Mr. Hastings. The objection, in point of delay, would have been almost as strong against me then, as it was the other day. Besides, till the close of the session, in the year 1788, I was in daily expectation of being examined at the bar, when I certainly should have complained to the Lords of the injustice done to me by the House of Commons. I was not at that time so versed in the laws and constitution of this kingdom, as to know what steps I ought to take to obtain the redress I wanted. Many of my friends also, about that time, persuaded me to believe, that in the vast mass of matter brought against Mr. Hastings, the small part concerning myself would be overlooked. The event, however, proved the fallacy of that opinion; for no sooner was my name mentioned, as a person capable of proving the rebellion of the Begums, than some anonymous party writer, in the Gazetteer, informed the public that I stood charged, by the House of Commons, with the heinous crime



crime of murder. Now I wish every man who reads this letter, before he decides upon the prudence or imprudence of my conduct, to ask himself these questions:—What would he do himself, were he publicly accused of murder?—Would he pass it over without notice?—Would he bare such a stigma without trying to efface it? As many as would submit to such disgrace quietly and passively, may condemn me; but of their good opinions I am not covetous. But all those who think with me, that the charge was too heavy for innocence to support, will next consider what means I ought to have adopted; that is—whether I was more likely to obtain redress by petitioning the Commons, or by prosecuting the Printer?

With respect to the latter, the lawyers are divided.—Some say that the vote of the Commons would have been a justification—whilst others say it would not. But, for argument sake, I will suppose that I had obtained a verdict; the verdict must have been obtained on one principle only; namely, that to publish an indictment, whether true or false, with an intent to defame, is libellous and actionable; but such a verdict would have done nothing towards disproving the truth of the charge brought against

me by the House of Commons—it would rather have confirmed it.

Let us next consider what I might reasonably expect from the justice of the House, *not what I have obtained*. For in order to judge of the propriety of a man's conduct, we must look at the state of things in which they stood at the time of his engaging in the business. If the House of Commons had been led into an erroneous declaration of opinion, or mistaken vote, no reason can be given why it should not be rescinded at the distance of three years, as well as at the distance of three days. I did not feel the inquiry so severely till it was made public. The first year, as I said before, it was unknown to myself, and it never was noticed by the public, till introduced by the Gazetteer. Had I had the good fortune to have been examined by the Managers, as I expected, and as they gave me reason to expect, nothing of this kind could have happened. I should have cleared up the whole matter in the same public manner I have now done.

Before I had made the experiment, I could have no reason to suppose, that the House of Commons would refuse to inquire into that conduct



conduct which *they* had condemned; much less could I suppose that they would refuse the inquiry, and still continue the charge or accusation. Could I suppose it possible for any man to be placed in my present situation? My accusers will not inquire into my conduct, nor have they expunged the vote against me. I am condemned without a hearing, by a body too powerful for me to contend with. If an individual had treated me as the House of Commons have done, the Courts of Law would *compel* him to follow up this charge, or to make me some atonement; but the privilege of the House is too great, and too extensive, for any subject to resist; nothing therefore remains, but an appeal to the public. The public are certainly a tribunal, before which the conduct of their representatives is, and ought to be, brought up.

The public will judge whether I have been treated by their representatives with strict justice or not. But there was another reason why I was eager to bring the business before the House. This Parliament is thought to be near its dissolution, and supposing that event to happen before the close of Mr. Hastings's trial, how could

I petition another Parliament to revise and correct the proceedings of their predecessors.

The next Parliament might say, with great propriety, you should petition for redress those who did the injury. There may be a diversity of opinions as to the mode and time of seeking redress, but certainly no man of common feelings could have sat down quietly under the imputation of murder. For my own part, I must repeat what I said before, that being conscious of no guilt, I knew no fear. I was told, that I had to contend with the greatest abilities in this kingdom. I knew it well, but I was not, therefore, intimidated.

I knew that truth might be smothered a while, but it could not be extinguished. I knew that the cause of truth would in the end prevail over that of calumny and falsehood, however powerfully upheld and supported. I had every thing to gain by investigation and inquiry, and I could lose nothing. But had I been certain that the result would prove fatal to myself, I would not have submitted quietly to the imputation. I value my honour infinitely more than my life, and the man who robs me of one, would do me a real kindness to deprive me of



the other. But, independent of my feelings, prudence and common foresight would have urged me to make every possible attempt to efface the stigma fixed on me by the House of Commons. Every man whom I might have offended by accident, or whose views I might casually frustrate or oppose, would have brought the story up against me. It would then have been too late to seek redress, and my long acquiescence would have been construed into a tacit acknowledgement, or confession of guilt. Another prudential consideration is, that it was evident from what appeared in the Gazetteer, that the Managers would object to my testimony in favour of Mr. Hastings, whenever I should be called upon to give it at the bar, on the ground of my being implicated in the accusation. I do not say this as matter of certainty, but as matter of great probability. Supposing such objection to have been made, and received, in what a shocking situation should I then have stood!

I shall now conclude with a request, that those who have censured my imprudence, in bringing this business before the House of Commons, will consider the ill consequences which must have attended silent submission to underserved

served accusation; at the same time making proper allowance for the feelings of injured innocence. It is unfair to argue from events, Those who think that accusation should not be made or maintained, without the fullest inquiry, will not hold me responsible for the failure of success, on my repeated and diversified application.

D. WILLIAMS.

F I N I S.



